



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,480	10/05/2000	Yasuo Suzuki	197484US0	7558

22850 7590 07/27/2004

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NOTE, JANIS L

ART UNIT PAPER NUMBER

1756

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

NOTICE OF NON-COMPLIANT AMENDMENT (37 CFR 1.121)

The amendment document filed on May 27, 2004, is considered non-compliant because it fails to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction to the following items are required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), in this case, the entire "Amendments to the Claims" section of applicant's amendment document must be resubmitted. 37 CFR 1.121(h).**

The "Amendments to the Claims" section is not in compliance with 37 CFR 1.121. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified as set forth in 37 CFR 1.121. In particular, claims 39, 41, 43, and 45 are improperly labeled "Previously Presented" because they do not represent the previously entered claims 39, 41, 43, and 45 filed on Jun. 24, 2003. Claims 39, 41, 43, and 45 filed on May 27, 2004, recite the chemical formula (VII), not the chemical formula (VIII) recited in the previously entered claims filed on Jun. 4, 2003. Accordingly, claims 39, 41, 43, and 45 should be labeled as "currently amended."

Art Unit: 1756

37 CFR 1.121(c) states that "the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented) . . . "

Furthermore, the chemical formula (VIII) recited in the previously entered claims 39, 41, 43, and 45 filed on Jun. 24, 2003, has been merely replaced with new chemical formula (VII) without the proper markings. Applicants have improperly amended the previously entered claims 39, 41, 43, and 45.

37 CFR 1.121 reads: "[W]hen claim text with markings is required. All claims being currently amended . . . shall . . . be submitted with markings to indicate changes that have been made relative to the immediate prior version of the claims. The text of any added subject must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets [i.e., [[]]] placed before and after the deleted characters may be used to show deletion of five or fewer consecutive letters" (emphasis added).

Since the above-mentioned amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicants are given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this notice within which to re-submit the correct "Amendments to the Claims," which comply with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

Art Unit: 1756

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mark Huff, can be reached on (571) 272-1385. The central fax phone number is (703) 872-9306.

Any inquiry of papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD

Jul. 21, 2004

Janis L. Dote
JANIS L. DOTE
PRIMARY EXAMINER
GROUP 1533
1700